



TRANSMITTAL

U.S. DEPARTMENT OF LABOR
Employment Standards Administration
Office of Federal Contract
Compliance Programs
Washington, D.C. 20210

Number: 226

Date: August 5, 1998

OFCCP Order No. ADM Notice/Other

1. **SUBJECT:** Discontinuing the use of the Letter of Commitment.
2. **PURPOSE:** OFCCP is discontinuing the use of the letter of commitment (LOC) as a resolution document. The violations formerly incorporated into the LOC will be summarized in the closure letter. Discontinuation of the LOC will reduce burdens on OFCCP field staff because there will be no progress reports to monitor for minor, technical issues.
3. **BACKGROUND:** Historically, when OFCCP uncovered violations during compliance reviews (now one of four methods referred to as compliance evaluations, 41 CFR 60-1.20), a written agreement was used that provided for remedial action to correct the violations and/or deficiencies noted. Two types of agreements were used, conciliation agreements (CA) and letters of commitment (LOC).

A CA is used to resolve material (major, substantive) violations of any of OFCCP's three programs.

LOCs are different from CAs in that they are used to resolve minor technical violations which are generally correctable onsite within ten to fifteen working days after the compliance evaluation. Normally a show cause notice has not been issued when a LOC is used to correct such minor violations.

4. **SIGNIFICANT CHANGES:** OFCCP will continue to use the conciliation agreement as a resolution document. The attached Compliance Evaluation Closure Letter for Minor or No Violations replaces the LOC referred to in Chapter 8, Section 8E of the Federal Contract Compliance Manual (FCCM), as well as the Notice of Review Completion - Minor Deficiencies resolved in a Letter of Commitment, Figure 8-15, and addressed in Section 8B03(g)(2). It also replaces the letters currently used for review completion for supply and service and construction reviews when no deficiencies have been identified. Those letters are found at the end of Chapters 3 and 4 of the FCCM (Figures 3-5 and 4-2, respectively).

The closure letter which accompanies this Notice is to be used when there is no show cause notice and when any minor deficiencies are corrected and incorporated into the AAP, as appropriate, within ten to fifteen working days. A different version of the letter is to be used when there are no violations found during a compliance evaluation. The Compliance Evaluation Closure Letter for Minor or No Violations is to be signed by the DD or ADD.

OFCCP anticipates making additional changes to the Manual over the next several months. During that process we will modify the numerous references to the LOC throughout the Manual. In the interim, disregard the references to the LOC; the Notice of Review Completion - Minor Deficiencies Resolved in a Letter of Commitment; the Notice of Review Completion Format, No Deficiencies Found (Supply and Service); and the Letter of Review Completion Format, No Deficiencies Found (Construction) that are currently in the Manual.

5. **FILING INSTRUCTIONS:**

Holders of ADM and LEG Binders only: File this Notice with the attachment behind the "Other" tab in your Administrative Practices Binder.

District and Area Office EOSs and EOAs only: File this Notice with the attachment behind the tab for ADM Directives in your FCCM Binder.

6. **OBSOLETE DATA:** Letters of commitment and references to letters of commitment.

7. **ATTACHMENTS:** Compliance Evaluation Closure Letter for Minor or No Violations.

8. **DISTRIBUTION:** A, B, C

A handwritten signature in cursive script, reading "Shirley J. Wilcher", is written over a horizontal line. A small capital letter "S" is written at the beginning of the line, to the left of the signature.

(sgd) Shirley J. Wilcher
SHIRLEY J. WILCHER
Deputy Assistant Secretary for
Federal Contract Compliance

Aug. 5, 1998
DATE

COMPLIANCE EVALUATION CLOSURE LETTER
FOR MINOR OR NO VIOLATIONS

(Name of CEO)
(Title of CEO)
(Establishment Name)
(Street Address)
(City, State, Zip Code)

Dear (Name of Contractor Official):

Our recent compliance evaluation of your equal employment opportunity policies and practices at (name and location of the establishment reviewed) has been completed.

Select either Paragraph 2 or Paragraphs 3 and 4

(2)

During this compliance evaluation process we found no apparent deficiencies or violations of Executive Order 11246, as amended, Section 503 of the Rehabilitation Act of 1973, as amended, or the Vietnam Era Veterans' Readjustment Assistance Act of 1974, as amended (38 U.S.C. 4212). This determination may be modified by the Regional Director, or by the Deputy Assistant Secretary for Federal Contract Compliance, within 45 days of the issuance of this letter.

(3)

During this compliance evaluation process we identified and resolved the following violation(s): [identify the minor violation(s) resolved during the review, including the appropriate regulatory citation and specific remedy]. Your representative, [name of company representative and title], agreed to future compliance on [date of verbal agreement with company representative], and incorporated corrective actions into your affirmative action program where appropriate. It is expected that this/these failure(s) to comply with the regulatory requirements will not be repeated. If they are repeated, we may determine that you have violated the Equal Opportunity Clause and initiate appropriate enforcement action. Based on these assurances by your representative, the review of your facility is closed.

(4)

We found no additional apparent violations of Executive Order 11246, as amended, Section 503 of the Rehabilitation Act of 1973, as amended, or the Vietnam Era Veterans' Readjustment Assistance Act of 1974, as amended (38 U.S.C. 4212). This determination may be modified by the Regional Director, or by the Deputy Assistant Secretary for Federal Contract Compliance, within 45 days of the issuance of this letter.

[Optional]

The Office of Federal Contract Compliance Programs sincerely appreciates the cooperation and courtesies extended by you and your staff during the conduct of the compliance evaluation.

Sincerely,

DD/ADD

cc: (as appropriate)